

## **Planning Committee – 27 March 2019**

Present: - Councillor Mrs Hill (Vice-Chairman)  
Councillors M Adkins, Booth, Brown, Hall, C Hill, Morrell, Mrs J Reed,  
Townsend, Watson, Wedderkopp and Wren

Officers: - Tim Burton (Assistant Director, Planning and Environment), Bryn  
Kitching (Planning Manager), Gareth Clifford (Planning Officer), Alex  
Lawrey (Agency Planner), Francis Wadsley (Planning Officer), Guy  
Mandry (Solicitor, Shape Partnership Services) and Tracey Meadows  
(Democracy and Governance Case Manager)

Also present: Councillors Berry, Farbahi, Habgood, Martin-Scott, Mansell, Nicholls,  
Mrs A Elder, Chairman of the Standards Advisory Committee.

(The meeting commenced at 5pm)

The Chairman thanked the Director of Planning and Environment, Tim Burton and the Planning Manager, Bryn Kitching for all their help and support to the Planning Committee over the years.

### **20. Apologies/Substitutions**

Apologies: Councillors Mrs J Adkins, Bowrah, Coles, Gage, Nicholls and  
Wedderkopp;

Substitution: Councillor Booth for Councillor Nicholls;  
Councillor Wren for Councillor J Adkins;

### **21. Minutes**

The minutes of the meeting of the Planning Committee held on 6 and 26  
February 2019 were taken and read and were signed.

### **22. Public Question Time**

Mr Pakes addressed the Committee with concerns regarding the Coal Orchard development with regards to the lack of progress and information on the replacement building on the bath's site. There had been a gap in this Conservation area for 4 months, concerns were raised that this was still going to be the case in another 2 years. The Agents were proposing to use this site for the contractor's compound and it would not be until the end of the development that this site would be developed if at all. Councillor Edwards stated earlier on in the year that there were 5 phases to the development, but he has failed to state what those phases were. I decided to go through the Freedom of Information process to gain information but was refused twice due to the request being commercially sensitive and the tender being above the phasing tender. In the online version of the Gazette it stated that a

spokesman from Taunton Deane stated that there was no phasing of the project and work was expected to begin in May, so with that information I thought I could ask Councillor Edwards at last month's Full Council meeting if he could tell me what the phasing planning was, unfortunately due to an administrative error the committee clerk was not informed that I had requested to speak, I did attend the meeting was not asked to speak during PQT, I felt that this was pretty disgraceful. When I raised this at the last planning meeting at least they tried to answer some of the queries raised. In the minutes it stated that Mr Pakes would be informed in writing explaining where we were in the investigation, this would also be shared with the Planning Committee Members, I have not had that letter. I am feeling slightly paranoid about this so I am going to ask for the information again. I am very concerned that we as tax payers, this is our Council scheme so we need to be really happy that the Council is setting an example by getting this site which is within the conservation area developed as quickly as possible and I think as a planning authority we have to ensure that we are even handed to have credibility particularly with private developers that you are going to act accordingly to ensure that your council adheres to the planning conditions set out in relation to that particular site. My two questions are;

1. Is the Council in breach of planning conditions stating that the site should be developed within one month of demolition, because I understand that a preferred contractor was not the same as the final contractor, although I think that they are still in breach.
2. Would they ensure us that they will press your council to develop that site in the first phase of the development and not have it as a contractors yard until the development was finished.

The response from the Planning Manager, Mr Kitching.

In answer to question one regarding planning condition 14, the contractors were in breach of that condition and that is something I am taking up with the Council as a developer. Regarding question two, there were no planning conditions on that permission that require the condition of phasing, there were no planning restriction, this was something the Council as the developer would need to choose themselves.

## **23. Declarations of Interest**

Councillor M Hill declared that she had received leaflets from Churchill and McCarthy and Stone and an email for application No. 38/18/0291. She also declared that application Nos 38/18/0465 and 38/18/0467 were in her ward. She declared that she had gone along to the consultation meetings but had not 'fettered her discretion'. Councillor Wren declared that he was the Parish Clerk for Milverton Parish Council. Councillor Brown declared that he had received a phone call from Churchill and the applicant for application 09/18/0012. He also stated that he had received repeated messages on application 38/19/0008. He stated that he had not 'fettered his discretion'.

Councillor Mrs Reed declared that she had received a phone call from Churchill and received leaflets. Councillor Hall declared that he had received leaflets from Churchill and McCarthy and Stone. Councillor Booth declared that he worked with a member of the public who was here tonight to speak against application 09/18/0012, he declared that he did not hold any prejudicial interest. Councillor Adkins declared that he had received leaflets from Churchill. Councillor Watson declared that he had received leaflets from Churchill and a phone call for application No. 09/18/0012, he declared that he had not 'fettered his discretion'. Councillor Wedderkopp declared that he had received leaflets from Churchill.

## **24. Applications for Planning Permission**

The Committee received the report of the Area Planning Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

- (1) That **planning permission be granted** for the under-mentioned development:-

### **38/18/0291**

**Demolition of buildings and erection of 62 No. units of extra care accommodation (Retirement Living Plus) including communal facilities, landscaping, car parking and circulation with vehicular access via South Street at Trinity Business Park and 80 South Street, Taunton**

### **Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission:-
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A1) DrNo SW-060040-03-CE-002 Rev P03 Site Levels Layout;
- (A1) DrNo SW-2519-03-LA-002 Rev C General Arrangement Plan;
- (A3) DrNo 2519-03-AC-001 Rev A Location Plan;
- (A1) DrNo SW-2519-03-AC-030 Rev D Proposed Second Floor Plan;
- (A1) DrNo SW-2519-03-AC-029 Rev D Proposed First Floor Plan;
- (A1) DrNo SW-2519-03-AC-028 Rev D Proposed Ground Floor Plan;
- (A1) DrNo SW-2519-03-AC-026 Rev G Proposed Site Layout;
- (A1) DrNo SW-2519-03-AC-027 Rev F Site Layout(Roof Level);
- (A3) DrNo SW-2519-03-AC-002 Existing Site Layout;
- (A3) DrNo 2519-03-AC-001 Rev A Location Plan;

- (A2) DrNo SW-2519-03-AC-041 Rev B Indicative Perspective View;
  - (A2) DrNo SW-2519-03-AC-040 Rev B Indicative Perspective View;
  - (A1) DrNo SW-2519-03-AC-039 Proposed Cross Sections;
  - (A2) DrNo SW-2519-03-AC-038 Rev D Proposed Elevations;
  - (A2) DrNo SW-2519-03-AC-037 Rev E Proposed Elevations;
  - (A1) DrNo SW-2519-03-AC-034 Rev D Proposed Roof Plan;
  - (A2) DrNo SW-2519-03-AC-042 Rev B Indicative Perspective View;
  - (A) DrNo 2519-03-AC-026 Rev G Proposed Site Layout;
  - (A1) DrNo 2519-03-AC-027 Rev F Proposed Site Layout (Roof Level);
- (c) Prior to the construction of the building/extension samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (d) (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species;
- (e) The applicant shall undertake all the recommendations made in EAD's Ecological Impact assessment report dated July 2018 and shall also include provision of pairs of swift nesting bricks, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to their installation; The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority;
- (f) No development (other than that required by this condition and demolition) shall be undertaken on site unless a programme of archaeological work, including excavations, has been implemented in accordance with a written scheme of investigation which has been first submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme;
- (g) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) the first floor windows to be installed in the living rooms of units 30 and 31 in the north east elevation shall be obscured glazed and non-opening. The type of obscure glazing shall be submitted to and agreed in writing by the Local

Planning Authority prior to its installation and shall thereafter be so retained;

- (h) Details of a screen to a height of 1.8m to the side of balconies serving units 21, 44, 30 and 31 shall be submitted to and approved in writing by the Local Planning Authority and shall be installed prior to occupation and thereafter retained;
- (i) The premises shall be used for a Class C2 Use for the provision of extra care accommodation and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification);
- (j) The extra care accommodation hereby permitted (excluding staff and guest accommodation) shall only be occupied by persons aged 60 years or older, with the exception of persons of a minimum of 55 years old who are a spouse or partner of an occupant 60 years old or above, unless otherwise agreed in writing with the Local Planning Authority;
- (k) A Measures Only Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the development being first used or occupied. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved;
- (l) Unless otherwise agreed by the Local Planning Authority, construction of the new buildings and services on site must not commence until conditions a) and b) below have been complied with and condition (c) complied with other than remedial works that are part of the construction of the site. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination;

i) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.

If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

An assessment of the potential risks to

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance;

#### ii) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures;

#### iii) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works;

#### iv) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority;

#### v) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works;

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above);

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

vi) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved;

All works must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance;

(m) Prior to commencement of the new building, works for the disposal of surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority, including future maintenance and the rate of discharge from the site. The works shall thereafter be retained and maintained in that form;

(Note to applicant:- Applicant was advised that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

**38/19/0008**

**Erection of a two storey cancer caring centre on land to the edge of the playing field adjacent to Musgrove Park Hospital, Taunton**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A1) DrNo 2378\_PL\_001 Location Plan;
- (A1) DrNo 2378\_PL\_011 Site Plan Proposed;
- (A1) DrNo 2378\_PL\_101 Ground Floor Plan;
- (A1) DrNo 2378\_PL\_102 First Floor Plan;
- (A1) DrNo 2378\_PL\_103 Roof Plan;
- (A1) DrNo 2378\_PL\_201 Long Section Proposed;
- (A1) DrNo 2378\_PL\_202 Cross Section Proposed;
- (A1) DrNo 2378\_PL\_301 South Elevation Proposed;
- (A1) DrNo 2378\_PL\_302 East Elevation Proposed;
- (A1) DrNo 2378\_PL\_303 North Elevation Proposed;
- (A1) DrNo 2378\_PL\_304 West Elevation Proposed;
- (A0) DrNo 587\_PL02 Proposed Plan General Arrangement;
- (A0) DrNo 587\_PL03 Existing Plan Tree Species;

(c) Prior to the construction of the building samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;

(d) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the development, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;

(e) Prior to the Maggie's centre being brought into use the new play area and realignment of the sports pitches shall be carried out;

(f) No pedestrian access shall be allowed between the site and playing field unless for emergency purposes, details of which shall be submitted to, and approved in writing by the Local Planning Authority prior to the use commencing;

(g) The applicant shall undertake all the recommendations made in First Ecology's Preliminary Ecological appraisal report dated September 2017. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority;

(Note to applicant:- Applicant was advise that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)



**49/18/0071**

**Conversion of coach house into 1 No. dwelling at Tor House, 48 Ford Road, Wiveliscombe**

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - (A1) DrNo 2406. 04X Rev A Plan & Elevations as Existing. Site Layout & Location Plans;
  - (A1) DrNo 2406. 05X Rev A Plans & Elevations as Proposed. Privacy Diagram;
  - (A1) DrNo 2406. 06X Rev A Site Layout as Proposed;
- (c) Prior to commissioning, details of the following shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with subsequent approved details unless any variation thereto is first agreed in writing by the Local Planning Authority: Metal railings; windows; doors; slates; stone paint;
- (d) All guttering, downpipes and rainwater goods shall be constructed of metal and painted black and thereafter maintained as such;
- (e) The courtyard area allocated for parking on the approved plan number 2406.06X rev A shall be properly consolidated, surfaced, drained and marked out before the use commences or the building is occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;
- (f) The natural stone to be used in the construction of the steps to the West elevation of the building shall match the stone used in the existing building unless otherwise agreed in writing with the Local Planning Authority;
- (g) The development hereby permitted shall not be commenced (including any demolition) until a bat emergence and dawn survey report has been submitted to and approved in writing by the Local Planning Authority. The survey(s) shall ascertain the usage of the site by bats. They shall be undertaken by an appropriately qualified person at an appropriate time of year (May to July) and use techniques and equipment appropriate to the circumstances;
- (h) The development hereby permitted shall not be commenced until details of a strategy to protect bats and birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the

advice of Jh Ecology's Preliminary Bat Roost Assessment report dated January 2019 and further bat survey and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
3. Measures for the retention and replacement and enhancement of places of rest for bats and birds;
4. Details of any outside lighting;

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat roosts and bird boxes and related accesses have been fully implemented;

Notes to applicant:- (1) Applicant was advised that In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission; (2) Applicant was advised that It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation. Bats are known to use the building(s) as identified in Jh Ecology's report, dated January 2019. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations. The condition relating to wildlife requires the submission of information to protect wildlife. The local planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected throughout the development process and be provided with a mitigation proposal that will maintain favourable status for species affected by this development proposal.)

**49/18/0072/LB**

**Conversion of coach house into 1 No. dwelling at Tor House, 48 Ford Road, Wiveliscombe**

**Conditions**

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 2406. 04X Rev A Plan & Elevations as Existing. Site Layout & Location Plans;
  - (A1) DrNo 2406. 05X Rev A Plans & Elevations as Proposed. Privacy Diagram;
  - (A1) DrNo 2406. 06X Rev A Site Layout as Proposed;
- (c) The natural stone to be used in the construction of the steps to the West elevation of the building shall match the stone used in the existing building unless otherwise agreed in writing with the Local Planning Authority;
- (d) All guttering, downpipes and rainwater goods shall be constructed of metal and painted black and thereafter maintained as such;
- (e) Prior to commissioning, details of the following shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with subsequent approved details unless any variation thereto is first agreed in writing by the Local Planning Authority: Metal railings; windows; doors; slates; stone paint;

(Note to applicant:- Applicant was advised that in accordance with paragraph 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

#### **49/18/0073/LB**

#### **Various alterations to walls and repositioning of vehicular access at Tor House, 48 Ford Road, Wiveliscombe**

#### **Conditions**

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 2406 12X LB Location Plan;
  - (A1) DrNo 2406.10 X Turning Head Area Existing and Proposal;
  - (A1) DrNo 2406.09 X Access Plan and Elevations Existing and Proposal;
  - (A1) DrNo 2406.08 LB X Site Layout and Access as Proposed;

- (c) Prior to the commencement of the construction of the access samples of the materials to be used for the hard surfaces including edging and tarmac shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (d) (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species;
- (e) No development, excluding site works, shall begin until a panel of the proposed stone work for the walls to be erected in accordance with the approved plans and measuring at least 1m x 1m has been built on the site. Both the materials and the colour and type of mortar for pointing used within the panel shall be agreed in writing by the Local Planning Authority prior to application and the development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (f) No gates shall be erected to the access;

(Note to applicant:- Applicant was advised that in accordance with paragraph 38 of the National Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.)

**25. Erection of 72 No. retirement apartments, guest apartment, communal facilities, access, car parking and landscaping at the former Lidl site, Wood Street, Taunton (resubmission of 38/18/0079) (38/18/0357)**

Reported this application

**Resolved** that subject to a legal agreement to secure the affordable housing contribution.

the Assistant Director - Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;

(b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A4) DrNo 10098TT - PLOC Location Plan;
- (A1) DrNo 10098TT - P101 Rev A Site Plan;
- (A1) DrNo 10098TT - P102 Rev A Ground Floor Plan;
- (A1) DrNo 10098TT - P103 Rev A First Floor Plan;
- (A1) DrNo 10098TT - P104 Rev A Second Floor Plan;
- (A1) DrNo 10098TT - P105 Rev A Third Floor Plan;
- (A1) DrNo 10098TT - P106 Rev A Roof Plan;
- (A1) DrNo 10098TT - P07 Elevations 1;
- (A1) DrNo 10098TT - P108 Rev A Elevations 2;
- (A1) DrNo 10098TT - P109 Rev A Elevations 3;
- (A1) Tree Protection Plan;
- (A1) DrNo 10098TT - P11 Rev A Flood Levels Section;

(c) Prior to occupation of the building(s), works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority and shall include the maximum discharge rates and the means of maintenance for the life time of the development. The works shall thereafter be retained and maintained in that form;

(d) Prior to the wall construction of the building samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;

(e) (i) A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species;

(f) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of ECOSA's Preliminary Ecological Appraisal, dated September 2018 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;

3. Measures for the retention and replacement and enhancement of places of rest for the species;
4. Details of proposed lighting;
5. A Construction Environmental Management Plan (CEMP)

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented;

- (g) Notwithstanding the details on the submitted drawings details of a turning space for a refuse vehicle within the site shall be submitted to, and approved in writing by, the Local Planning Authority and the development so approved shall not be occupied until space has been laid out, drained and surfaced within the site for the parking and turning of vehicles, in accordance with the details that shall first have been submitted to and approved in writing by the Local Planning Authority, and such area(s) shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the development;
- (h) Details of a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the building on site. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved;
- (i) Details of any new river flood defence wall shall be submitted to, and approved in writing by, the Local Planning Authority prior to its construction and shall thereafter be constructed as agreed;
- (j) There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level (other than existing street furniture) in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced brought into use and shall thereafter be maintained at all times;
- (k) The proposed buggy access shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0 metres x 2.0 metres. Such splays shall be fully provided before the access hereby permitted is first brought onto use and shall thereafter be maintained at all times;
- (l) Prior to first occupation of the development hereby permitted, access to covered cycle parking, numbers and spaces to be fully in accordance with a detailed scheme to be submitted to, and approved in writing by, the Local Planning Authority;

- (m) Details of the design and materials of the buggy store and sub-station shall be submitted to, and approved in writing by, the Local Planning Authority prior to their wall construction commencing and works shall thereafter be carried out as agreed;
- (n) A detailed scheme for the provision of electric vehicle charging points shall be submitted to, and approved in writing by, the Local Planning Authority and provided prior to first occupation of the development hereby permitted;
- (o) The accommodation hereby permitted (excluding staff and guest accommodation) shall only be occupied by persons aged 60 years or older, with the exception of persons of a minimum of 55 years old who are a spouse or partner of an occupant 60 years old or above, unless otherwise agreed in writing with the Local Planning Authority;
- (p) Finished floor levels shall be 16.52m AOD and the flood defence bank shall be no lower than 16.37m AOD;
- (q) Notwithstanding the detail on the submitted layout plan a surfaced footway 2m wide shall be provided between Tangier Way and the riverside path prior to occupation of the new building;

(Note to applicant:- Applicant was informed that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

**26. Replacement of 26 No. Woolaway homes and the erection of an additional 21 No. dwellings and a community facility building, Phase 1, on parcels of land at Bodmin Road, Dorchester Road, Wells Close, Cambridge Terrace and Rochester Road, Taunton (38/18/0465)**

Reported this application

**Resolved** that subject to a Section 106 to secure the play provision contribution and maintenance of the off-site parking and street trees and clarification of the stopping up process prior to determination, the application be delegated to Officers to determine.

**Conditions**

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
- (A1) DrNo 50089-0050 Rev C Phase 1 Drainage Strategy Sheet 1;
  - (A1) DrNo 50089-0051 Rev C Phase 1 Drainage Strategy Sheet 2;

- (A1) DrNo 50089-0052 Rev C Phase 1 Drainage Strategy Sheet 3;
- (A1) DrNo 50089-0053 Rev C Phase 1 Drainage Strategy Sheet 4;
- (A1) DrNo 1939 007A Phase 1 1of 2;
- (A1) DrNo 1939 008A Phase 1 2of 2;
- (A3) DrNo L007 Rev B Phase 1 Location Plan;
- (A1) DrNo L008 Rev C Existing Phase 1 Plan;
- (A1) DrNo L012 Rev D Proposed Phase 1 Plan;
- (A1) DrNo L015 Rev C Proposed Phase 1 Plan;
- (A1) DrNo L015 Rev B Boundary Treatments Key & Typical Elevations Proposed Phase 1 Plan;
- (A3) DrNo L016 Rev C Phase 1 Location Plan ( Proposed);
- (A0) DrNo L017 Rev B Illustrative Phase 1 Plan;
- (A3) DrNo 1010 Rev L 2 Bed 4 Person Narrow Fronted House Plans;
- (A3) DrNo 1011 Rev L 3 Bed 5 Person Narrow Fronted House Plans;
- (A3) DrNo 1012 Rev K 3 Bed 5 Person Wide Fronted House Plans;
- (A3) DrNo 1015 Rev K 4 Bed 6 Person Wide House Plans;
- (A3) DrNo 1016 Rev L 3 Bed 6 Person Chalet Plans;
- (A3) DrNo 1017 Rev J 3 Bed 6 Person Chalet Elevations;
- (A3) DrNo 1018 Rev J 1 Bed 2 Person FOG Plans;
- (A3) DrNo 1019 Rev K 1 Bed 2 Person Bungalow Plans;
- (A3) DrNo 1020 Rev K 2 Bed 3 Person FOG Plans;
- (A3) DrNo 1021 Rev J 2 Bed 3 Person FOG Elevations;
- (A3) DrNo 1022 Rev J Flats Wide Fronted Plans;
- (A3) DrNo 1023 Rev H Flats Wide Fronted Elevations;
- (A3) DrNo 1026 Rev J 1 Bed 2 Person Flat Plans;
- (A3) DrNo 1027 Rev I 2 Bed 3 Person Flat Elevations \_ N&S;
- (A3) DrNo 1028 Rev I 2 Bed 3 Person Flat Elevations \_ E&W;
- (A3) DrNo 1030 Rev K 4 Bed 6 Person Narrow Fronted House Plans;
- (A1) DrNo 1032 Rev I Flats & Community Centre (2B3P & 1B2P Ground & First Floors);
- (A1) DrNo 1033 Rev I Flats & Community Centre (2B3P & 1B2P Second Floors);
- (A1) DrNo 1034 Rev H Flats & Community Centre Elevations;
- (A3) DrNo 1035 Rev D 2 Bed 3 Person Bungalow;
- (A3) DrNo 1037 Rev D 2 Bed 4 Person Bungalow;
- (A3) DrNo 1039 Rev G 4B7P Wheelchair;
- (A3) DrNo 1041 Rev B 4B7P Wheelchair Side Elevations;
- (A3) DrNo 1042 Rev A 3 Bed 6 Person Chalet Elevation;
- (A3) DrNo 1043 Rev A 3 Bed 6 Person Chalet Elevation;
- (A3) DrNo 1045 Rev D Street Elevation Phase 1;
- (A1) DrNo 1046 Rev D Street Elevations Phase 1;
- (A3) DrNo 1047 Rev D Street Elevations Phase 1;
- (A3) DrNo 1048 Rev D Street Elevations Phase 1;
- (A3) DrNo 1050 Rev B Dorchester Flats;
- (A1) DrNo 1052 Rev C Street Elevations Phase 1;



- (A1) DrNo 1939 001 Rev A Landscape MasterPlan;
- (A1) DrNo 1939 002 Rev A Landscape Masterplan;
- (A1) DrNo 1939 003 Rev A Landscape Masterplan Phase 1;
- (A1) DrNo 1939 007 Rev A Phase 1;
- (A1) DrNo 1939 008 Rev A Phase 1;
- (A1) DrNo 50089-0007 Rev A Highways Works Vehicular & Pedestrian Visibility Splays;
- (A1) DrNo 50089-0031 Rev C Phase 1I Highways Works General Arrangement;
- (A1) DrNo 50089-0032 Rev C Phase 1II Highway Works General Arrangement;
- (A1) DrNo 50089-0033 Rev C Phase 1III Highway Works General Arrangement;
- (A1) DrNo 50089-0034 Rev C Phase 1 IV Highway Works General Arrangement;
- (A1) DrNo 50089-0035 Rev D Phase 1V Highway Works General Arrangement;
- (A1) DrNo 50089-0050 Rev C Phase 1 Drainage Strategy Sheet 1;
- (A1) DrNo 50089-0051 Rev C Phase 1 Drainage Strategy Sheet 2;
- (A1) DrNo 50089-0052 Rev C Phase 1 Drainage Strategy Sheet 3;
- (A1) DrNo 50089-053 Phase 1 Drainage Strategy Sheet 4;
- (A1) DrNo L012 Rev D Proposed Phase 1 Plan;
- (A1) DrNo L015 ~Rev B Proposed Phase 1 Plan;
- (A3) DrNo L016 Rev C Phase 1 Location Plan (Proposed);
- (AO) DrNo 17025 Lo17 Rev B Illustrative Phase 1 plan;  
Adendum to Planning, Design and Access Statement  
Drainage Strategy Transmittal;

- (c) Prior to the construction of the building/extension samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;
- (d) (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development; (ii) For a period of five years after the completion of the development, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) There shall be no occupation of plots 37-40 until a suitable means of access to the properties are provided;
- (f) Details of a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of any dwelling on site.

A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved;

(g) Details of the cycle storage facilities for each property shall be submitted to and approved in writing by the Local Planning Authority and the cycle storage facilities shall be constructed and fully provided prior to the buildings being occupied, and shall thereafter be retained for those purposes;

(h) An electric vehicle charging point shall be provided adjacent to the community facility building next to a visitor parking space prior to the building being brought into use;

(i) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Encompass Ecology Ltd's submitted report, dated December 2018 and further survey and include:

Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;

1. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
2. Measures for the retention and replacement and enhancement of places of rest for the species
3. Details of any outside lighting
4. A Construction and Environmental management Plan ( CEMP) and a Landscape and ecological management Plan (LEMP)

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented;

(j) The finished floor levels of properties next to the Priorswood Stream must be no lower than the existing property;

(k) The development permitted by this planning permission shall only be carried out in accordance with the Craddys email dated 1 Mar'19 50089sk0073B Priorswood Stream Easement – Existing & Proposed;

(Note to applicant:- Applicant was advised that in accordance with paragraph 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.)

**27. Outline Planning Application with all matters reserved for the replacement and refurbishment of 186 Woolaway homes and the**

**erection of additional dwellings to provide up to 230 No. dwellings on land located between Lyngford Lane and Dorchester Road, Taunton (38/18/0467)**

Reported this application

**Resolved** that subject to a Section 106 to secure the play provision contribution and maintenance of any off-site parking and street trees.

the Assistant Director - Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

Conditions

(a) Approval of the details of the (a) layout (b) scale (c) appearance (d) access and (e) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced;

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of seven years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved;

(b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A3) DrNo L004 Rev D Site Location Plan;
- (A3) DrNo L005 Rev C Existing Site Plan;
- (A3) DrNo L006 Rev C Phase Plan (Existing);

(c) Prior to the wall construction of the building samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such;

(d) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Encompass Ecology Ltd's submitted report, dated December 2018 and further survey and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;

3. Measures for the retention and replacement and enhancement of places of rest for the species;
4. Details of any outside lighting;
5. A Construction and Environmental Management Plan (CEM) and a Landscape and ecological management Plan (LEMP);

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented;

- (e) A detailed phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority prior to reserved matter details being submitted for approval and shall be carried out as agreed unless a variation is agreed in writing by the Local Planning Authority;
- (f) Details of a Travel Plan shall be submitted to, and approved in writing, by the Local Planning Authority prior to the occupation of any dwelling on site. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable;
- (g) Prior to occupation of the buildings, works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority and shall include the maximum discharge rates and the means of maintenance for the life time of the development. The works shall thereafter be retained and maintained in that form;
- (h) Plans showing the car and motorcycle parking layout, details of secure cycle parking and facilities for the charging of electric vehicles shall be submitted to, and approved in writing by, the Local Planning Authority before the development is occupied. All motor vehicle parking areas shall be properly consolidated before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;

(Notes to applicant:- (1) Applicant was advised that in accordance with paragraphs 38 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission; (2) The applicant will be required to secure an appropriate legal agreement/

licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting; (3) It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; Bats are known to use the building(s) on site. . The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and Species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations. The condition relating to wildlife requires the submission of information to protect wildlife. The local planning authority will expect to see a detailed method statement clearly stating how wildlife will be protected throughout the development process and be provided with a mitigation proposal that will maintain favourable status for species affected by this development proposal;

**28. Outline planning application with all matters reserved for the erection of up to 94 No. dwellings and 9755sqm of mixed use light industrial units with associated works and access on land at Sandys Moor, Wiveliscombe (49/18/0045)**

Reported this application

**Resolved** that subject to a Section 106 to secure the development of industrial buildings and servicing of employment land; travel plan; children's play provision; and affordable housing, the application be delegated to Officers to determine.

the Assistant Director - Planning and Environment be authorised to determine the application in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

**Conditions**

(a) Approval of the details of the (a) layout (b) scale (c) appearance (d) access and (e) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced;

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved;

(b) The development hereby permitted shall be carried out in accordance with the following approved plans:

- (A3) DrNo P003 Location Plan;
- (A2) DrNo P002 Existing Site Plan;
- (A2) DrNo P004 Framework Indicative Masterplan;

Plans and particulars of the reserved matters referred to in condition (01) above shall include details of:

- (1) the provision to be made for garaging and parking of vehicles within the site;
  - (2) the space to be provided for the loading, unloading and turning of vehicles within the site;
  - (3) the hard and soft surface treatment of any roadways and other parts of the site which will not be covered by buildings;
  - (4) all external materials to be used in the development;
  - (5) space to be provided within the site to accommodate (i) parking the vehicles of site personnel, operatives and visitors; (ii) loading and unloading of plant and materials; and (iii) storage of plant and materials used in constructing the development;
  - (6) the redesign of the existing access to the B3277 to accommodate the traffic to the sewage treatment works;
  - (7) vehicular access to the sewage treatment works;
  - (8) existing and proposed ground and floor levels;
  - (9) noise and odour reports from existing sources (including the former abattoir and the sewage treatment works);
- (c) A detailed phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority prior to reserved matter details being submitted for approval and shall be carried out as agreed unless a variation is agreed in writing by the Local Planning Authority;
- (d) No work shall commence on the development hereby permitted until details of the proposed accesses off Sandys Moor to the site and to the sewage treatment works been submitted to, and approved in writing by, the Local Planning Authority. Such works for each access shall then be fully constructed in accordance with the approved plan(s), to an agreed specification, prior to commencement of the development and shall thereafter be retained in the approved form;
- (e) No development shall commence unless a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;

- Expected number of construction vehicles per day
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network;
- (f) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until construction work discontinues;
- (g) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/ bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority;
- (h) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling/building before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway;
- (i) The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans;
- (j) From the proposed residential access onto Sandys Moor there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the access is brought into use and shall thereafter be maintained at all times;
- (k) Prior to the business use commencing the cycle parking shall be provided on site in accordance with approved details and shall be maintained thereafter in connection with the use hereby granted;

- (l) No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details;
- (m) Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time during the days and times indicated when measured at any point at the facade of any residential or other noise sensitive boundary. Mon-Fri 0800 hrs to 1800 hrs Sat 0800 hrs to 1300 hrs. At all other times including Sundays and Bank Holidays, noise emissions shall not be audible when so measured. Noise emissions having tonal characteristics, e.g. hum, drone, whine etc., shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes;
- (n) No development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination;

1) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the whole site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of



contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

- An assessment of the potential risks to
- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

## 2) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

## 3) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

## 4) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

## 5) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by someone in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

#### 6) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved;

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance;

- (o) All existing hedgerows and trees bordering and within the site to be retained shall be fully protected by fencing prior to any works taking place. During the period of construction of the development the existing soil levels around the base of retained hedgerows shall not be altered. Specific measures to protect all retained hedgerows intended to be within gardens shall be submitted to and agreed in writing as part of the detailed landscaping measures to be submitted as part of the application for Reserved Matters approval;
- (p) (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted;
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development;
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species;
- (q) (i) A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior such a scheme being implemented. The

scheme shall include details of the species, siting and numbers to be planted;

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development;

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species;

(r) The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Blackdown Environment's Preliminary ecological appraisal dated June 2018 and ,updated surveys as listed in 5.4 of the report and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species;
- A CEMP( A construction and Environmental Plan ) and a LEMP ( Landscape and ecological management Plan);
- Details of lighting;

Once approved the works shall be implemented in accordance with the approved details and timing of the works and thereafter the resting places and agreed accesses for species name shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses has/have been fully implemented;

(s) No business operations shall take place within the site outside the hours of 7.00hrs – 19.00hrs Monday – Friday, or 8.00hrs – 13.00hrs on Saturdays and shall not take place on Sundays, Bank or Public Holidays;

(t) Prior to any business use commencing within any building, details regarding the use class of that building shall be submitted to, and approved in writing by, the local planning authority. No other uses shall take place in that building without the prior express grant of planning permission;

(Notes to the applicant:- (1) Applicant was advised that in accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that the provision of the access off Sandys Moor will

require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works; (3) Applicant was advised that 1. The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal; 2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; 3. Bats may be roosting in trees on site. The species concerned are European Protected Species within the meaning of The Conservation of Habitats and Species Regulations 2017. If the local population of European Protected Species are affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.)

**29. Miscellaneous report – Change of use of agricultural building to mixed use of agricultural and equestrian use with formation of circular collecting yard/horse training arena at Woodland Way Farm, Raddington, Wiveliscombe (retention of part works already undertaken) (09/18/0012)**

Reported that Members first considered this application for Change of use of agricultural building to mixed use of agricultural and equestrian use with formation of circular collecting yard/horse training arena at Woodland Way Farm, Raddington, Wiveliscombe (retention of part works already undertaken) on 16<sup>th</sup> January 2019.

At the Committee, members deferred a decision to allow the submission of an application for the rural workers accommodation so that both applications to be reported back as that would depend on the time required to consider any subsequent application for the rural workers accommodation.

The committee also resolved that if no application for the rural workers accommodation was submitted by 15<sup>th</sup> February then the application for the change of use of the agricultural building should be reported back to the committee on 26<sup>th</sup> February.

Members were advised at the planning committee that by deferring the application, that the applicant could appeal against non-determination and take the decision away from the Council. An appeal against non-determination was submitted to the Planning Inspectorate (PINS) on 11<sup>th</sup> February which means that the decision will be made by an Inspector rather than the Council.

Officers are awaiting for a Start Date for the appeal from PINS and once this is received, it will include a timetable for determination. On receipt, the Council will write to everyone involved in the application advising them of the timetable and relevant dates for the submission of representations.

Officers are awaiting for a Start Date for the appeal from PINS and once this is received, it will include a timetable for determination. On receipt, the Council will write to everyone involved in the application advising them of the timetable and relevant dates for the submission of representations.

Officers recommended that permission be granted for the change of use of the building and formation of the circular collecting yard/ horse training area and the report is attached. That recommendation remains and the officer advice to the planning committee is that permission should be granted with planning conditions.

**Resolved** that the application be approved.

### **30. Appeals and decisions received**

Reported that two appeal decisions and three appeals had been received details of which were submitted.

(The meeting ended at 10:12 pm)